

Congress of the United States

Washington, DC 20515

Received & Inspected

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FCC Mail Room

1203

November 30, 2015

Chairman Tom Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We are writing about an important public safety issue that has been brought to our attention by our constituents. The northeast corner of Vermont, which borders Canada and New Hampshire, is one of the most rural, mountainous, and economically challenged areas of the state. This area, known locally as the Northeast Kingdom, is primarily served by volunteer fire departments, along with one small career fire department and a mix of volunteer and paid emergency medical services (EMS) agencies.

According to our constituents, there are significant deficiencies in radio communications and interoperability between the various fire and EMS departments in the region. In a coordinated effort to improve public safety communications, eleven fire departments and three EMS agencies want to install a repeater on Burke Mountain. Two years ago, the Town of St. Johnsbury applied to the FCC for a license for a 100-watt repeater, but the FCC only granted one for 40 watts. A coverage study found that 40 watts would not significantly improve communication capacity, so the group declined to move forward on the project.

The applicants believe that their request for a 100-watt license may have been rejected because of concerns of radio interference on Canadian frequencies. However, they note that other departments in the region have repeaters in locations north of Burke Mountain, closer to the Canadian border. Additionally, they frequently hear interference from Canadian taxi companies.

We cannot stress enough how important this issue is for public safety in the region. Six miles of Interstate 91 in Vermont are completely silent, and coverage in some towns is extremely spotty. Moreover, absent a 100-watt repeater, local public safety agencies have had to purchase several smaller repeaters that have affected their already strained budgets.

We understand that the licensing decision may have been subject to international agreements, but given the importance of effective public safety communication, we respectfully request more information why the application was denied. We would also like to know whether there is an appeal process to pursue a license for a 100-watt repeater.

Thank you in advance for your attention to this matter.

Sincerely,


PATRICK LEAHY
United States Senator


BERNARD SANDERS
United States Senator


PETER WELCH
United States Representative



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 14, 2016

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter concerning the important public safety licensing issue raised by your constituents in the Town of St. Johnsbury, Vermont. Your views on this issue are very important to us.

I wholeheartedly agree that efficient and effective communication during emergencies is critical. It appears that your constituents in the Town of St. Johnsbury did not file the proper documentation to justify operating at power levels exceeding the limits currently set forth in our rules. Because I understand the importance of this issue to you, I encourage your constituents in St. Johnsbury to contact staff in the Commission's Public Safety and Homeland Security Bureau if they need further assistance in this matter.

The Commission's Part 90 rules set forth a formula to determine the maximum power level at which a public safety radio licensee may operate. This formula is based on the applicant's proposed antenna height and its proposed service area. Applicants who seek to exceed these formula-based power limits must either request a waiver of our rules or provide an engineering analysis demonstrating that the proposed facilities will not exceed a certain signal level at the edge of the applicant's proposed service area.

In this case, St. Johnsbury sought to operate at power levels in excess of the maximum power levels allowed under our rules. However, St. Johnsbury did not file an engineering analysis justifying this increased power level nor did it otherwise seek a waiver of our rules. Therefore, while St. Johnsbury's license application was granted, the power level authorized under this license was lower than that power level requested in St. Johnsbury's application.¹

Unfortunately, St. Johnsbury is outside the period for seeking timely reconsideration of the Bureau's decision. However, St. Johnsbury is not precluded from filing a new application to operate a repeater on Burke Mountain. Such an application must be submitted through an FCC-certified frequency coordinator, and if the application seeks authorization to exceed the

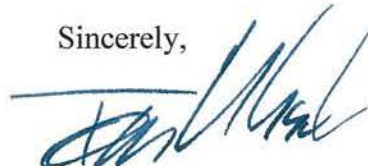
¹ Our records indicate that the application filed by St. Johnsbury through its frequency coordinator (file no. 004749692) sought authorization for a 40-watt repeater at Burke Mountain. Staff recently contacted the frequency coordinator and learned that St. Johnsbury initially sought a power of 100 watts, but that the frequency coordinator suggested that St. Johnsbury apply for 40 watts, given the proposed area of operation. Based on the proposed antenna height and service area in the application, the Commission's Public Safety and Homeland Security Bureau (Bureau) authorized a maximum power of 19.22 watts based on the formula set forth in Section 90.205 of the Commission's rules.

maximum power specified in Section 90.205, it must include an engineering analysis or, alternatively, a request for waiver of Section 90.205, supported by a showing of good cause.

The new application will also need to go through cross-border coordination with Canada. While Canada previously indicated it had no objection to a repeater of up to 40 watts on Burke Mountain, a request for higher power will need to be re-coordinated. For your review I have attached a Public Notice that provides information to licensees and frequency coordinators about the coordination process with Canada. The Bureau licensing staff is available to assist in the Canadian coordination process and address any questions that you or St. Johnsbury may have.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler

Enclosure



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 14, 2016

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sanders:

Thank you for your letter concerning the important public safety licensing issue raised by your constituents in the Town of St. Johnsbury, Vermont. Your views on this issue are very important to us.

I wholeheartedly agree that efficient and effective communication during emergencies is critical. It appears that your constituents in the Town of St. Johnsbury did not file the proper documentation to justify operating at power levels exceeding the limits currently set forth in our rules. Because I understand the importance of this issue to you, I encourage your constituents in St. Johnsbury to contact staff in the Commission's Public Safety and Homeland Security Bureau if they need further assistance in this matter.

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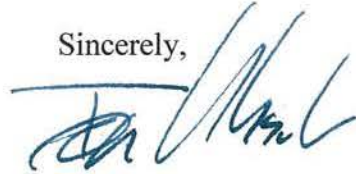
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Sincerely,

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Tom Wheeler

Enclosure



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 14, 2016

The Honorable Peter Welch
U.S. House of Representatives
2303 Rayburn House Office Building
Washington, D.C. 20515

Dear Senator Welch:

Thank you for your letter concerning the important public safety licensing issue raised by your constituents in the Town of St. Johnsbury, Vermont. Your views on this issue are very important to us.

I wholeheartedly agree that efficient and effective communication during emergencies is critical. It appears that your constituents in the Town of St. Johnsbury did not file the proper documentation to justify operating at power levels exceeding the limits currently set forth in our rules. Because I understand the importance of this issue to you, I encourage your constituents in St. Johnsbury to contact staff in the Commission's Public Safety and Homeland Security Bureau if they need further assistance in this matter.

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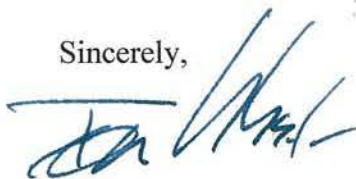
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